

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JUNE 1, 2011

Session 11-10, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:01 p.m. on June 1, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, DOLMA, DRUHOT, HIGHLAND, MINSCH, VENUTI

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

AGENDA APPROVAL

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT

PUBLIC COMMENT

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

There were no public comments.

RECONSIDERATION

RECONSID- ERATION

There were no items for reconsideration.

ADOPTION OF CONSENT AGENDA

CONSENT AGENDA

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

May 18,
2011
Minutes

1. Approval of the May 18, 2011 minutes
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g
4. KPB Coastal Management Program Reports
5. Draft Decision and Findings for CUP 11-09, 3406 Main Street
6. Draft Decision and Findings for CUP 11-07, Alaska Village Mission
7. Draft Decision and Findings for CUP 11-04, 880 East End Road/Seldovia Wellness Center
8. Draft Decision and Findings for CUP 11-08, Amending CUP 10-04, Kachemak Bay Campus

Commissioner Bos requested that Item 8 on the consent agenda be moved to new business item A.

The amended Consent Agenda was approved by consensus of the Commission.

PRESENT- ATIONS

PRESENTATIONS

There were no presentations scheduled.

REPORTS

REPORTS

- A. Staff Report PL11-66, City Planner's Report

City
Planner's
Report

City Planner Abboud reviewed his staff report.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JUNE 1, 2011

**PUBLIC
HEARINGS**

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

Northern
Enterprises
Boatyard
CUP

- A. Staff Report PL 11-58, CUP 11-10, A Request for a Conditional Use Permit at 5155 Kachemak Drive, Northern Enterprises Boatyard, for more than one building containing a permitted principal use on a lot, HCC 21.24.030(k) and More than 8,000 sf of building area HCC 21.24.040(d)

City Planner Abboud reviewed the staff report.

Kenneth Moore, applicant, commented that their plan is to replace the building that burned down with a better building. They intend to exceed fire marshal requirements in some ways because they don't want to have another building that will burn and take other peoples boats with it. The building that burned was built in 1981 and at the time they weren't sure what types of activities would be happening there. As time went by a lot of different work happened in it, but more recently it became what a building in a boat yard should be. They better understand the needs for the new building. He hopes that the water and sewer LID goes through as they expect to hook up a sprinkler system. If this LID doesn't go, he will work with the City to see what else can be done, whether it is a smaller LID area or some other way to service their property.

In response to questioning Mr. Moore explained that currently their septic is some holding tanks and leech fields but it is an old system that needs to be replaced. As far as uses not allowed at the boat yard the main thing is to keep people from living there in their boats. Also they try to keep from taking derelict vessels as they end up in a situation of having to get rid of the vessels themselves. The vessels become an environmental hazard and are costly to remove. He explained that they are looking into ways to deal with hazardous materials on site. He is working with his friend John Wolf who does environmental assessment work for large companies like Crowley. Mr. Wolf has currently done a phase 1 assessment for them.

Bryan Byler with Sunland Development commented that Sunland is the general contractor for the building project. Mr. Byler said he is storm water LEED certified with the State of Alaska. They are familiar with best management practices and storm water management and will develop a plan to meet code specifics on the site. It is their understanding that since annexation and zoning has happened everything else on site has been grandfathered in. They understand storm water is a concern and as they make the application they will have to follow what ever DEC prescribes for this project. Mr. Byler explained the storm water pollution prevention plan applies when more than an acre of ground is disturbed in new construction. They will not be disturbing more than an acre in new construction. He will file a notice of intent (NOI) per the requirement, but technically they are not required to have a storm water pollution prevention plan on the property per DEC regulations. He added that they plan to leave the foundation in place, but if they had to take it out and cut in a driveway they would disturb more than an acre that requirement would come into to play. Since they are using the current foundation they will not be disturbing more than an acre.

Chair Minsch opened the public hearing.

Rachel Lord, Outreach Monitoring Coordinator with Cook Inletkeeper, commented that the NOI requirement through DEC for a multi-sector general permit (MSGP) is for industrial sectors that have storm water discharges. She agrees that the boat yard over all would fall under this standard but probably not for this specific building project. The MSGP addresses runoff of polluted water during rain events from industrial facilities. It is a requirement under the clean water act for any facility discharging pollutants into the nation's waters. This permit, pursuant to EPA, requires boatyard facilities to develop a storm water pollution prevention plan, implement control measures, and submit a notice of intent. Control measures often include site specific best management practices, employee training and maintaining records and reporting. Since the state took over this permitting from EPA there has been some confusion around the MSGP and compliance assistance with facilities. Ms. Lord said Inletkeeper has been working hard to learn more from the state as well as from a variety of facilities to increase their capacity to be a resource as issues come up. It is in this capacity she is here tonight. When she saw the requirement for granting the CUP for Northern Enterprises to file an NOI with the state she wanted to show her support for granting the CUP and to offer assistance to the boatyard if needed. Northern Enterprises is a vital local business that provides necessary services to our fleet. Inletkeeper believes that developing a storm water pollution prevention plan will provide Northern Enterprises with a living document that can be an asset to them and their customers. There are costs to this permit which should not be overlooked especially for a small business; however there are major benefits including better understanding and control of pollutants from boatyard activities for our community. Inletkeeper would formerly like to offer their assistance to Northern Enterprises if they do pursue the MSGP with the state. While the CUP requirement was probably an unexpected extra hurdle in rebuilding their lost structure, Inletkeeper is available as a resource to help to minimize associated costs and provide assistance as a local organization deeply connected to the bay, our fishing fleet, and the community.

Michael Kennedy, city resident, commented in support of the Northern Enterprise project. Regarding the CUP he thinks the Commission should put as few road blocks as possible for the rebuild. Northern Enterprises provides sustainable jobs that primarily deal with the fishing industry. He asked that the Commission remember that the property was annexed into the city and under their previous grandfather rights they should be able to continue under the same business without undo extra considerations and be able to operate under the same guidelines as before they were annexed. He remembers when the annexation process took place industries outside the city were promised that they would be grandfathered in under the same rights and uses that currently existed before the annexation. To provide them with any additional requirements after annexation would be going back on the city's word. He believes that Northern Enterprises was in support of being annexed in a way that they would get sewer and water. He doesn't think they appreciated the extra taxes, but the Commission should remember those uses were promised to them to remain in perpetuity, and honor the promises made to the annexed areas.

There was no further testimony and the public hearing was closed.

There was brief discussion defining grandfather rights as the right to continue operations or buildings or structures that were in existence prior to a change in code or condition of the land. Homer City Code does not refer to grandfather rights but does refer to nonconforming status for uses or structures. It was noted that state and federal regulations apply regardless of grandfather terminology.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JUNE 1, 2011

Northern
Enterprises
Boatyard
CUP

Commissioner Dolma noted that the analysis under item h in the staff report refers to “Fire Marshal certification for all existing and proposed buildings” contradicts staff recommendation 1.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 11-58, CUP 11-10, A REQUEST FOR A CONDITIONAL USE PERMIT AT 5155 KACHEMAK DRIVE, NORTHERN ENTERPRISES BOATYARD, FOR MORE THAN ONE BUILDING CONTAINING A PERMITTED PRINCIPAL USE ON A LOT, AND MORE THAN 8,000 SF OF BUILDING AREA, WITH STAFF RECOMMENDATIONS AND FINDINGS.

Commissioner Bos expressed his agreement with the testimony that the activity at the boatyard is vital to the community and with the staff recommendations it will be a better product than what was there originally.

There was brief discussion regarding the NOI in recommendation two. It was noted that the applicant hired a firm and they plan to file the NOI at which time the DEC will hold the firm and the boatyard accountable for what happens around the new building, and it will satisfy the item g in the staff report. City Planner Abboud commented that the NOI will ensure verification that the site is current with DEC storm water pollution prevention standards. The NOI is a plan that will be reviewed. Homer City Code has no direction on the issue other than the project must meet state and federal regulations.

VOTE: YES: BOS, MINSCH, HIGHLAND, DRUHOT, VENUTI, DOLMA

Motion carried.

**PLAT
CONSIDER-
ATION**

PLAT CONSIDERATION

No plats were scheduled for consideration.

**PENDING
BUSINESS**

PENDING BUSINESS

Conserva-
tion District
Ordinance

A. Staff Report PL 11-60, Draft Ordinance 11-xx, Conservation District

City Planner Abboud reviewed the staff report.

HIGHLAND/VENUTI MOVED TO DISCUSS, MAKE RECOMMENDATIONS, AND SCHEDULE THE DRAFT CONSERVATION DISTRICT ORDINANCE FOR PUBLIC HEARING.

There was brief discussion in support of moving the draft ordinance to public hearing.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair Minsch noted that they missed the amendment that Commissioner Dolma pointed out.

MINSCH/DRUHOT MOVED TO RECONSIDER CUP 11-10, 5155 KACHEMAK DRIVE.

There was no discussion.

VOTE: NON OBJECTION

MINSCH/DRUHOT MOVED TO AMEND PACKET PAGE 34 ITEM H ANALYSIS TO READ: PRIOR TO ISSUANCE OF A ZONING PERMIT THE APPLICANT TO PROVIDE FIRE MARSHAL CERTIFICATION FOR ~~ALL EXISTING AND~~ PROPOSED BUILDINGS AND VERIFICATION THAT THE SITE IS IN COMPLAINS WITH DEC STORMWATER RUNOFF STANDARDS.

Conserva-
tion District
Ordinance

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

VOTE: (Main motion as amended): VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 11-59, Draft Ordinance 11-xx East End Mixed Use

East End
Mixed Use
Ordinance

HIGHLAND/BOS MOVED TO MAKE DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE EAST END MIXED USE DRAFT ORDINANCE.

City Planner Abboud reviewed the staff report and reviewed the discussion points from the worksession.

- Production, processing, assembly and packaging of fish, shellfish, and seafood products permitted outright.
- Public stables not allowed and Private stables as an accessory use.
- Bulk petroleum storage, above or under ground, as a conditional use.
- Impound yards as a conditional use.
- Daycare facilities are not allowable as they are not compatible with the industrial district.
- Existing residential uses are exempt. Rebuild and possibly expansion may be allowable without introducing a change of use, i.e. going from residential to multi family.
- Establish a time constraint for rebuilding existing residential, possibly 12 to 18 months, and clarify the rebuilding is considered an approved permit.
- No CUP for new residential single family, multi family, duplex, townhouse, shelter for the homeless, group care, or assisted living homes.
- No day care homes, bed and breakfasts, or rooming houses.
- Some allowance may be made for employee dormitory or caretaker residence for employee as an accessory to the primary use.
- Keep the district boundaries as displayed on the map in the Comprehensive Plan.

The Commission made no specific recommendation regarding customary accessory uses starting on line 72, but did have discussion to try to clarify open air use. The Commission requested a definition of open air land uses or open air business.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JUNE 1, 2011

East End
Mixed Use
Ordinance

There was brief discussion that there are a few rural residential lots that are in the proposed area and if this draft ordinance is adopted their zoning will change. Public hearing notices will be sent out to all affected property owners in the proposed district. The Commission had further discussion regarding private stables, how they are handled in other districts, and how they relate to the industrial district.

VENUTI/BOS MOVED TO OMIT PRIVATE STABLES ENTIRELY.

If someone has issue with this they will make it known through the public hearing process. It was noted that this includes all livestock, not just horses.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

They also briefly reviewed:

- Level two site development standards outlined in HCC 21.50.030. (line 191)
- Issues with extractive enterprises. (line 116)
- Auto fueling station as a CUP. Auto fueling stations are highly regulated however design and aesthetics may be more of a factor for requiring the CUP.

**NEW
BUSINESS**

NEW BUSINESS

Draft
Decisions &
Findings
Kachemak
Bay
Campus
CUP 11-08

A. Draft Decision and Findings for CUP 11-08, Amending CUP 10-04, Kachemak Bay Campus

HIGHLAND/BOS MOVED TO ADOPT THE DRAFT FINDINGS FOR CUP 11-08 AMENDING CUP 10-04, KACHEMAK BAY CAMPUS.

MINSCH/HIGHLAND MOVED TO AMEND PACKET PAGE 27 UNDER CONCLUSION: AT THE INITIAL PLANTING, THE TRUNK DIAMETERS ARE TO BE A MINIMUM OF 1 ½ INCHES, A MINIMUM OF 6 FEET IN HEIGHT. ~~AND CONSIST OF AT LEAST 70% EVERGREENS.~~

There was brief discussion.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

BOS/DRUHOT MOVED TO AMEND PACKET PAGE 26 UNDER FUTURE PLANTINGS: AT THE INITIAL PLANTING, THE TRUNK DIAMETERS ARE TO BE A MINIMUM OF 1 ½ INCHES, A MINIMUM OF 6 FEET IN HEIGHT. ~~AND CONSIST OF AT LEAST 70% EVERGREENS.~~

There was brief discussion.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

DOLMA MOVED TO TAKE 6 FOOT OUT OF ALL OF IT.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JUNE 1, 2011

Motion died for lack of a second.

There was no further discussion on the main motion as amended.

VOTE (Main motion as amended): YES: HIGHLAND, DRUHOT, MINSCH, VENUTI, BOS
NO: DOLMA

Motion carried.

B. Staff Report PL 11-64, Planning Commission Worklist

The Commission reviewed and discussed priorities for the work list.

C. Staff Report PL 11-65, Planning Commission Meeting Times

The Commission discussed amending meeting times.

HIGHLAND/ DRUHOT MOVED TO CHANGE THE WORKSESSION END TIME TO 6:30 AND START THE
REGULAR MEETING TIME AT 6:30.

There was brief discussion.

HIGHLAND/DRUHOT MOVED TO AMEND THE REGULAR MEETING END TIME TO 9:30 P.M.

There was brief discussion.

VOTE: (Amendment): YES: DRUHOT, BOS, HIGHLAND, VENUTI
NO: MINSCH, DOLMA

Motion carried.

VOTE: (Main motion as amended): YES: MINSCH, DOLMA, VENUTI, HIGHLAND, BOS, DRUHOT

Motion carried.

INFORMATIONAL MATERIALS

A. City Manager's Report dated May 24, 2011

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

There were no audience comments.

COMMENTS OF STAFF

Deputy City Clerk reminded Commissioners Bos and Dolma that their terms expire July 1 and asked they express their intent by June 15 for timely reappointment.

COMMENTS OF THE COMMISSION

Draft
Decisions &
Findings
Kachemak
Bay
Campus
CUP 11-08

Planning
Commission
Worklist

Planning
Commission
Meeting
Time

**INFO
ITEMS**

**AUDIENCE
COMMENT**

**AUDIENCE
COMMENT**

**STAFF
COMMENT**

**COMMISSI
ON
COMMENT**

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JUNE 1, 2011

**COMMISSION
ON
COMMENT**

Commissioner Venuti asked if the tent at Cosmic Kitchen is a permitted use. City Planner Abboud said staff will look into it.
Commissioner Dolma said it was a fun meeting and they got some things done.

Commissioner Bos commented that the kings are in the Anchor River and he really enjoys his Mexican food at the Cosmic Kitchen with the wind not blowing through his ears.

Chair Minsch encouraged everyone to keep up the good work.

ADJOURN

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 9:25 p.m. The next regular meeting is scheduled for June 15, 2011 at 7:00 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____